



STATE OF MINNESOTA

Office of Governor Mark Dayton

116 Veterans Service Building ♦ 20 West 12th Street ♦ Saint Paul, MN 55155

Application Procedures for District Court Judge

An attorney may become a judge by being elected or appointed by the Governor. Appointed judges must stand for election district-wide in the next general election that is more than one year after the swearing-in date (Minnesota Constitution Article VI, § 8). An elected judge's term is six years.

The Minnesota Constitution, Article VI, § 8, also directs the Governor to fill all judicial seats that are vacated before completion of a judge's elected term. Minnesota Statutes, section 480B.01 (1990) created the Commission on Judicial Selection (also called the Commission) as provided hereunder.

The Commission on Judicial Selection solicits and evaluates candidates, and makes recommendations to the Governor for vacancies that occur on the District Court bench and the Workers' Compensation Court of Appeals. The Commission is not mandated to make recommendations to the Governor for vacancies on the Appellate Courts or the Tax Court.

The Commission on Judicial Selection is committed to providing equal access to the judicial selection process for all interested individuals. If you need alternative formats or services because of a disability, please contact Lidya Makonnen at (651) 201-3451 or via email at Lidya.makonnen@state.mn.us with your request.

The procedure the Commission will use in recommending judicial candidates is set forth below:

- I. The Commission will announce all judicial vacancies after they are certified by the Supreme Court and will specify a deadline for application. Announced vacancies will be posted on the Governor's website, www.governor.state.mn.us. Notice of vacancies and application procedures will also be distributed to the district in which a vacancy occurs.
 - A. An attorney wishing to apply may request an application by writing to Lee E. Sheehy, Chair of the Commission on Judicial Selection, at 116 Veterans Service Building, 20 West 12th Street, St. Paul, MN 55155, or by contacting Lidya Makonnen, Appointments Coordinator, via e-mail at Lidya.makonnen@state.mn.us.
 - B. The application is six pages. Also included in the application packet of materials are five authorization release forms that are used to make inquiries should the applicant become a finalist. These are made to the Department of Revenue, the

Bureau of Criminal Apprehension, the Lawyer's Professional Responsibility Board and the Clerk of the Supreme Court. Applicants who are, or who have been a judicial officer, such as a court referee, are also sent an authorization release form for the Board on Judicial Standards. A Demographic Datasheet is also included with the application materials to be completed by the applicant for statistical purposes (Minn. Stat. § 480B.01, subd.12).

- C. Applications and letters of recommendations are kept on file for two years. For each vacancy for which an applicant wishes to be considered, the applicant must submit an application.
- D. All judicial applicant data is classified as private until an applicant is named a finalist. At that time, the following data become public: veteran status, job history, education and training, and work availability. (Minn. Stat. § 13.43, subd.3.)
- E. Pursuant to changes to Minnesota Statute 10A.01, subd. 35, judges and justices are now classified as public officials and required to file economic interest statements. If appointed, you will be required to submit a Statement of Economic Interest, which asks for the following information:
 - a. Name, address, occupation, and principal place of business;
 - b. The name of each associated business and the nature of that association.
 - c. A listing of all non-homesteaded property held individually or in partnership within the state of Minnesota.
 - d. A listing of any investments, ownerships, or interests in property connected with pari-mutuel horse racing in the United States and Canada, including a racehorse, in which the individual directly or indirectly holds a partial or full interest or an immediate family member holds a partial or full interest.

II. The Commission is directed to search out likely candidates for judicial appointment.

- A. The Commission shall actively seek and encourage qualified individuals, including women and minorities, to apply for judicial offices. (Minn.Stat § 480B.01, subd. 7). The Commission shall evaluate the extent to which candidates have the following qualifications for judicial office: integrity, maturity, health (if job related), judicial temperament, legal knowledge, ability, experience and community service.
- B. An applicant must be a resident of the judicial district for which he or she applies at the time his or her application is submitted, at the time of selection and throughout his or her term. There are ten judicial districts made up of the 87 Minnesota counties, as shown on the attached map.

III. The Commission receives and reviews judicial applications and letters of recommendation written on behalf of those applicants.

- A. All candidates must complete an application. Applicants should include a letter of interest, resume and a small self-photograph (optional) with the application. Applicants may either submit applications via email to lidya.makonnen@state.mn.us or by mail to the Governor's Office address.
 - B. The signed authorization release forms must be submitted at the time of application. The completed demographic data form may be included with the original application or may be sent under separate cover anonymously.
 - C. All recommendations for judicial applicants should be made in writing and directed to the attention of the Chair and sent via U.S. Mail to the Governor's office address, via e-mail to Lidya.makonnen@state.mn.us or via fax to (651) 797-1901. The Commission asks for **no more than 10 letters of recommendation per candidate**. Letters of recommendation will be made available to the members of the Commission on Judicial Selection. The Commission, or a designated subcommittee of the Commission, will review the applications and letters of recommendation and determine which applicants will be semi-finalists and afforded personal interviews.
- IV. Individual Commission members must **not** meet with applicants for the purpose of a telephone or personal interview before the actual meeting of the Commission.
- A. Interviews of the semi-finalists will be conducted on the day of the Commission meeting. The applicants who are selected to interview will meet with a quorum of the nine at-large members of the Commission and the four district members from the judicial district in which the vacancy will be filled.
 - B. The members of the Commission include four district members who serve where there is a vacancy in their judicial district, plus the nine-at large members. Membership includes attorneys and non-attorneys. A list of Commission members is available upon request, or can be found on the Governor's website at www.governor.state.mn.us.
 - C. On the day of the meeting, the Commission will:
 - 1. Personally interview semi-finalists.
 - 2. Discuss each semi-finalist.
 - 3. Vote by secret ballot on three to five finalists for each judicial vacancy to be recommended to the Governor.
- V. The Commission will publish the list of finalists, which will also be posted on the Governor's website.

- VI. After the confidential inquiries are completed, the Chair of the Commission on Judicial Selection and the Appointments Coordinator, Lidya Makonnen, will present the finalists to the Governor. The Governor has the option to personally interview finalists. The Governor may fill a vacancy from the nominees recommended by the Commission. If the Governor declines to select a nominee to fill the vacancy from the list of nominees, the Governor may select a person to fill the vacancy without regard to the Commission's recommendation.
- VII. No applicant or individual on behalf of or in opposition to any applicant should make direct personal, telephonic or written contact with members of the Commission regarding any judicial application during the period between the announcement of a judicial vacancy and the Governor's announcement of appointment. All inquiries or communication with the Commission should be in writing to Lee E. Sheehy, Chair of the Commission on Judicial Selection, 116 Veterans Service Building, 20 West 12th Street, St. Paul, Minnesota 55155, or by email to Lidya Makonnen, Appointments Coordinator, at Lidya.makonnen@state.mn.us.

VIII. Conflicts and Recusal

The Commission intends that the process by which they evaluate judicial candidates be fair both to the public and to the candidates, and that the process also be perceived as fair. These principles should guide the implementation of the following rules.

- A. Members of the commission who would otherwise be eligible to hold judicial office may not be considered or appointed to fill a district court judicial vacancy while they are members of the commission or for one year following the end of their membership on the commission (Minn. Stat. § 480B.01, subd.6).
- B. A member of a Commission should recuse himself or herself from participating in the investigation of, interview of, and vote on the qualifications of a candidate, where the member or, to the member's knowledge, the member's employer, law firm, law partner or family member, has a relationship with a candidate, or with another candidate competing for the same office, that could reasonably render the member's participation unfair to the public or any candidate, or that might cause others reasonably to perceive that the participation is inappropriate or unfair. Reasons for recusal may, depending on the particular circumstances, include a business, professional or family association, active political support by either the member or the member's employer, law firm, law partner, or family member, or any other close or adversarial relationship, whether of a public or private nature. Nothing herein requires a Commission member to make inquiry of his or her law partners, law firm or employer as to their relationships with candidates.
- C. The appropriateness of a Commission member's participation may be raised by the member or by any other member, either privately with the Chair or to the members of the Committee present at the meeting. Every effort, however, should

be made to raise the question first directly with the member whose participation is being questioned. If necessary, the appropriateness of a member's participation may be decided by the Chair or, in the discretion of the Chair, by a majority of the members of the Commission present at the meeting.

- D. The recusal of a member does not preclude that member from offering to the Commission factual information or opinion about the candidate in question, or being present during deliberations of the Commission regarding the candidate, provided that the member first discloses to the Commission the fact of, and reasons for, his or her recusal. The member, however, should not otherwise participate in the investigation, or be present in the Commission room during the interview of the candidate.

IX. Political Activity

The Code of Judicial Conduct establishes standards for the ethical conduct of judges and judicial candidates. The Code is intended to provide guidance and assist judges and judicial candidates in maintaining the highest standards of judicial and personal conduct, and to provide a basis for regulating their conduct through disciplinary agencies.

- A. The Code of Judicial Conduct defines a "judicial candidate" as: *any person, including a sitting judge, who is seeking selection for judicial office by election or appointment. A person becomes a candidate for judicial office as soon as he or she makes a public announcement of candidacy, declares or files as a candidate with the election or appointment authority, authorizes, or, where permitted, engages in solicitation or acceptance of contributions or support, or is nominated for election or appointment to office.*
- B. Canon 4 of the Code of Judicial Conduct states that a judge or candidate for judicial office shall not engage in political or campaign activity that is inconsistent with the independence, integrity, or impartiality of the Judiciary.
 - a. Rule 4.1 states except permitted by law, a judge or judicial candidate shall not:
 - i. Act as a leader in a political organization
 - ii. Make speeches on behalf of a political organization
 - iii. Publicly endorse or, except for the judge or candidate's opponent, publicly oppose another candidate for public office
 - iv. Solicit funds for a political organization or a candidate for public office, or make a contribution to a candidate for public office
 - v. Attend or purchase tickets for dinners or other events sponsored by a candidate for public office
 - vi. Personally solicit or accept campaign contributions other than as authorized by Rules 4.2 and 4.4
 - vii. Use or permit the use of campaign contributions for the benefit of the judge, the candidate, or others

- viii. Use court staff, facilities, or other court resources in a campaign for judicial office in a manner prohibited by state law or judicial branch personnel policies
 - ix. Knowingly, or with reckless disregard for the truth, make any false or misleading statement
 - x. Make any statement that would reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court
 - xi. In connection with cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office
- b. A judge or judicial candidates shall take reasonable measures to ensure that other persons do not undertake, on behalf of the judge or judicial candidate, any activities prohibited under paragraph (a)